

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1340 of 2018**

1. Smt. Yamuna Sahu W/o Shri Toshani Sahu Aged About 26 Years R/o Village- And Post- Korra, Tahsil- Bhakhana, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Smt. Shivratri W/o Shri Gajanand Sahu Aged About 52 Years R/o Village- Bhusrenga, Post- Belodi, Tahsil- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station- Ranchirai, Tahsil- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicants : Shri Prasoon Agrawal, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.10.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 58 of 2018, registered at Police Station – Ranchirai, Tehsil Gunderdehi, District Balod, Chhattisgarh for the offence punishable under Section 304B read with Section 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

on the basis of the material placed before the Court by the prosecution. The deceased was unable to conceive because of which, she was very much frustrated, which may be the reason for commission of suicide. In the suicide note of the deceased, she has not made any allegation against her husband and in-laws. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. Deceased – Lokeshwari @ Pinki was married to co-accused – Devendra Kumar Sahu, son of applicant No.2, on 3.5.2015. The deceased committed suicide on 12.5.2018 by consuming poison. Subsequent to that, a statement was given by the parents of the deceased that the deceased was unable to conceive because of which, she was being harassed and tortured by the husband and in-laws. As the present is a case in which there is no statement of any demand of dowry, and though it is a case where death has occurred within a period of 7 years of marriage, it has to be dealt differently.

7. Hence, after due consideration of all the aspects in this case, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge